
BZA-1860
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Variances

STAFF REPORT
July 19, 2012

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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, who are part owners and with consent of the other owners and represented by attorney Daniel Teder, are requesting the following three variances:

1. A parking variance to allow 36 instead of the required 54 parking spaces;
2. A setback along Chauncey Avenue of 22' instead of the required 60';
3. A lot coverage of 48% instead of the maximum allowed 40%.

The site is an L-shaped property located between South Chauncey Avenue and South Salisbury Street just north of the Williams Street intersection. The land is part of a replat known as Kylee Kove Minor Subdivision; it received primary approval at the July 18th APC meeting (S-4315). The through lot is also known as 320 and 326 South Chauncey Avenue, West Lafayette, Wabash 19 (SE) 23-4.

AREA ZONING PATTERNS:

The site was rezoned by the West Lafayette Common Council from R3W to R4W earlier this month (Z-2491). R3W zoning surrounds the site.

Variances for a reduced setback and lot width were granted in 1989 for the northern half of this property (BZA-955) and land adjacent to the south (and owned by petitioners) also received two variances in 1997 to allow for parking in the front setback and a reduced lot width (BZA-1426).

AREA LAND USE PATTERNS:

Currently on site is a single-family rental home and an apartment building. Uses surrounding the site are all multi-family housing Purdue students.

TRAFFIC AND TRANSPORTATION:

The site has frontage on both South Chauncey Avenue (an urban primary arterial with a 60' setback) and South Salisbury Street (an urban local road with a 25' setback). The submitted site plan shows access to Chauncey through the adjoining lot to the south.

This property lies within the university proximate area which determines that the amount of parking spaces required be based on unit size. Petitioners are proposing 18 units, 17 of which are 'Type A' and one which is a 'Type B'. Type A units (825 sq. ft. and up) require 3 spaces and Type B units (650 to 824 sq. ft.) require 2.25 spaces resulting in 54 required parking spaces.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City utilities serve the site.

STAFF COMMENTS:

Petitioner is proposing building a student apartment complex with 18 units, each with 2 bedrooms. With the exception of one unit, the apartments are designed with two floors in townhouse style. A portion of the parking is undercover with two stories of townhomes on top. The front of the complex faces Chauncey and pedestrian access via a staircase is at the rear of the lot facing Salisbury.

Petitioners' design places the building 22' from the front lot line. The zoning ordinance makes an allowance for reduced setbacks by measuring the setbacks from existing buildings on that blockface. The averaged setback then becomes the standard (but never less than 10'). Unfortunately, a property to the north has a large parking lot in front of the building (130' setback), skewing the average calculation. If this parking lot were not figured into the equation, the average setback would be 22'.

Parking for University-Proximate Residences is based on unit size. For Type A units (825 sq. ft. and over), three parking spaces are required. Only one unit is smaller (812 sq. ft., making it a Type B unit) which equates to a total of 54 required parking spaces. The request is for 36 spaces, the same number of bedrooms in the project. This parking ratio is similar to what has been negotiated for nearby student housing projects created through the planned development process. Had this development been done through the planned development process staff would have negotiated a parking standard of 36 spaces. Staff is proposing a commitment to ensure there is only one occupant per bedroom to guarantee sufficient parking.

Developments in the R4W zone are permitted to cover no more than 40% of the lot with roofed structures. Petitioner has tried to maximize usage of the lot size by constructing some of the units above a portion of the parking lot. The R4W zone has no density limit, though the other development standards in the UZO are identical to R3W including a 40% lot coverage maximum. Staff is currently working on amending the R4W zone to allow by right the higher density that both staff and the city would like to see in this area south of State Street.

Regarding the ballot items:

1. The Area Plan Commission at its July 18th 2012 meeting determined that the variances requested **ARE NOT** use variances.

And it is staff's opinion that:

2. Granting variance #1 **WILL NOT** be injurious to the public health, safety, and general welfare of the community because reducing the parking requirement from 54 spaces to 36 spaces (by recorded commitment) still ensures that each resident has a place to park on-site. This parking standard is typical of negotiated parking standards for PD's in the area. Regarding variance #2, a building setback of 22'

from Chauncey **WILL NOT** be injurious because the road does not function as an urban primary arterial. This classification will be changed with the new *Thoroughfare Plan*. Additionally, the setback requested is typical of what exists in the area. Regarding variance #3, increased lot coverage of 8% **WILL NOT** be injurious. Staff has encouraged denser development in this area south of State Street. In fact, the 48% lot coverage is much less than the most recent PD in the area: Grant Street Station – 79.7%.

3. Use and value of the area adjacent to the property included in the variance requests **WILL NOT** be affected in a substantially adverse manner. #1: Thirty-six parking spaces for 36 bedrooms will be adequate to support the use. #2: A building setback of 22' will not negatively impact the adjacent property owners' use of their land. In fact, this setback closely mirrors what exists on that block face and staff recognizes the fact that a 60' setback in this area is excessive due to an outdated street classification. #3: Increased lot coverage from 40% to 48% is minimal and will not adversely affect adjacent properties. The requested lot coverage is much less than totals we have seen in nearby planned developments.
4. The terms of the zoning ordinance are being applied to a situation that **IS NOT** common to other properties in the R3W and R4W zone. There is only one other property zoned R4W and it has an existing apartment building. The fact that this is only the second time this zoning district has been utilized makes the situation uncommon compared to surrounding properties.
5. Strict application of the terms of the zoning ordinance **WILL** result in an unusual or unnecessary hardship as defined in the zoning ordinance. Regarding variance #1, thirty-six parking spaces for 36 bedrooms are sufficient as evidenced by PDs in the area. In variance request #2, a 60' building setback is excessive and the proposed 22' setback is in keeping with neighboring setbacks. In this case, the *Thoroughfare Plan's* classification of Chauncey is partially causing the hardship. The 40% lot coverage does not encourage denser development south of State. Additionally, the Housing Plan element of the *Comprehensive Plan* encourages denser developments near services; in this case the students can be located closer to the university.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS NOT** self-imposed or solely based on a perceived reduction of or restriction on economic gain regarding #2. In this case, the *Thoroughfare Plan* is partially to blame for the hardship. Staff recognizes that the 60' setback is excessive and can support a 22' setback. Regarding #1, the hardship **IS NOT** self-imposed. The ordinance only recognizes the square footage of units and not the number of bedrooms. In request #3, the hardship **IS NOT** solely self-imposed because staff would like to see denser developments in this area. In this instance, the ordinance is causing a hardship by limiting lot coverage to 40%.

5b. All three variance requests **DO** represent minimum relief: staff can support 36

parking spaces for a 36 bedroom development (with a recorded commitment)—request #1, a setback of 22' is typical of buildings in the area—request #2, and staff can support higher lot coverage than what the ordinance requires—request #3.

STAFF RECOMMENDATION:

Variance request #1 (36 parking spaces instead of 54): Approval

Variance request #2 (front setback of 22' instead of required 60'): Approval

Variance request #3 (48% lot coverage instead of the maximum 40%): Approval

With the following recorded commitment:

1. The total number of residents shall not exceed the total number of bedrooms.